

Senate Bill No. 607

CHAPTER 28

An act to amend Sections 23013 and 23356.2 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor June 6, 2008. Filed with Secretary
of State June 6, 2008.]

LEGISLATIVE COUNSEL'S DIGEST

SB 607, Wiggins. Winegrowers.

Existing law defines a winegrower as any person who has the facilities and equipment for the conversion of fruit into wine and is engaged in the production of wine, except for those persons who produce less than 200 gallons of wine per year for their personal consumption.

This bill would expand the definition of a winegrower by removing that exception.

Existing law authorizes a person to manufacture beer for personal or family use without the need for a license or permit. Existing law authorizes the removal of beer, manufactured for personal or family use, from the premises where manufactured for use in competition at organized affairs, exhibitions, or competitions, including homemakers' contests, tastings, or judgments.

This bill would additionally authorize a person to manufacture wine for personal or family use in an amount not to exceed 100 or 200 gallons per household per calendar year without the need for a license or permit, as provided. This bill would also authorize the removal of wine, manufactured for personal or family use, from the premises where manufactured for use, including use at organized affairs, exhibitions or competitions, such as homemakers' contests, tastings, or judgments.

This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 23013 of the Business and Professions Code is amended to read:

23013. "Winegrower" means any person who has facilities and equipment for the conversion of grapes, berries, or other fruit into wine and is engaged in the production of wine.

SEC. 2. Section 23356.2 of the Business and Professions Code is amended to read:

23356.2. (a) No license or permit shall be required for the manufacture of beer for personal or family use, and not for sale, by a person over the age of 21 years. The aggregate amount of beer with respect to any household shall not exceed (1) 200 gallons per calendar year if there are two or more adults in the household, or (2) 100 gallons per calendar year if there is only one adult in the household.

(b) No license or permit shall be required for the manufacture of wine for personal or family use, and not for sale, by a person over the age of 21 years. The aggregate amount of wine with respect to any household shall not exceed (1) 200 gallons per calendar year if there are two or more adults in the household or (2) 100 gallons per calendar year if there is only one adult in the household.

(c) Any beer manufactured pursuant to this section may be removed from the premises where manufactured for use in competition at organized affairs, exhibitions or competitions, including homemakers' contests, tastings, or judgments.

(d) Any wine made pursuant to this section may be removed from the premises where made for personal or family use, including use at organized affairs, exhibitions or competitions, such as homemaker's contests, tastings or judging. Wine used under this section shall not be sold or offered for sale.

(e) Except as provided herein, nothing in this section authorizes any activity in violation of Section 23300, 23355, or 23399.1.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that amateur winemakers will be able to participate in all 2008 county fairs and in the 2008 California State Fair Home Wine Competition, a competition designed to increase the knowledge, skills, and abilities of amateur winemakers and where homemade wines are judged in a formal and professional manner, which occurs from August 15 to September 1, inclusive, it is necessary that this act take effect immediately.